

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

CALLAWAY GOLF COMPANY,	)	
	)	
Plaintiff,	)	C.A. No. 07-367-SLR
	)	
v.	)	<b>JURY TRIAL DEMANDED</b>
	)	
ACUSHNET COMPANY,	)	
	)	
Defendant.	)	

**ACUSHNET'S SECOND NOTICE OF DEPOSITION OF  
CALLAWAY GOLF CORP. PURSUANT TO FED. R. CIV. P. 30(b)(6)**

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Defendant Acushnet Company ("Acushnet") will take the deposition by oral examination of Callaway Golf Company ("Callaway") on September 2nd, 2008 at 9:00 a.m. at the offices of Shepard Mullin Richter & Hampton, LLP, 12275 El Camino Real, Suite 200, San Diego, CA 92130. The deposition will continue from day to day thereafter until completed. Testimony of the deponent(s) may be recorded by means permitted under Federal Rules of Civil Procedure, including videotaping and stenographic recording. The deposition will be taken before an officer authorized by law to administer oaths pursuant to Federal Rule of Civil Procedure 28.

Pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Callaway is obligated to designate one or more officers, directors, or managing agents, or one or more other persons who consent to testify on their behalf, who shall have knowledge of and who are capable and competent to testify regarding the topics set forth in the attached Schedule A.

POTTER ANDERSON & CORROON LLP

OF COUNSEL:

Joshua C. Krumholz  
Thomas M. Johnston  
Benjamin D. Enerson  
HOLLAND & KNIGHT LLP  
10 St. James Avenue 11th Floor  
Boston, MA 02116  
Tel: (617) 573-5820

Dated: August 19, 2008  
879090 / 31957

By: /s/ David E. Moore  
Richard L. Horwitz (#2246)  
David E. Moore (#3983)  
Hercules Plaza 6th Floor  
1313 N. Market Street  
P.O. Box 951  
Wilmington, DE 19899  
Tel: (302) 984-6000  
[rhorwitz@potteranderson.com](mailto:rhorwitz@potteranderson.com)  
[dmoore@potteranderson.com](mailto:dmoore@potteranderson.com)

*Attorneys for Defendant Acushnet Company*

## **SCHEDULE A**

### **Definitions**

Acushnet hereby incorporates by reference the Definitions and Instructions found in its First Set of Interrogatories to Callaway (Nos. 1-17), except that "Accused Callaway Products" also includes the Hyper X and Hyper X Tour golf clubs, and "Acushnet Patents" also includes U.S. Patent No. 7,140,975.

### **Deposition Topics**

39. For each of the following golf club models, the details surrounding Callaway's acquisition, possession and retention of the golf club(s) of that model, including how and under what circumstances Callaway came into possession of golf club(s) of that model, when Callaway came into possession of golf club(s) of that model, Callaway's testing and/or analysis of golf club(s) of that model, and the identity of any individuals and documents involved with or related to each of those items:

- (1) Bridgestone TourStage V500;
- (2) Daiwa G3 Hypertitan;
- (3) Dunlop Tangent;
- (4) Kasco VS Tour Big Super Hyten;
- (5) Kasco VS Tour Super Hyten;
- (6) Katana Sword 300 Ti;
- (7) Katana Sword 350 Ti;
- (8) Ping ISI;
- (9) S-Yard T.301; and
- (10) S-Yard T.302.

40. Callaway's testing for natural frequency on drivers in Callaway's possession prior to February 15, 2002, including (a) the identification of the clubs tested for natural frequency; (b) who performed the testing and when the testing took place; (c) the purpose of the testing; (d) the methods and/or protocols used to conduct the testing; (e) who received and/or reviewed the testing and/or test results; (f) Callaway's retention of the clubs used in that testing; and (g) Callaway's retention of the test results.

41. For each of the following documents, and any copies of the document, (a) who created the document and when, (b) who received, reviewed, accessed and/or modified the document and when, and (c) for each person who created, received, reviewed, accessed, and/or modified the document, their role in the prosecution of the Callaway Patents:

- (1) CGC28832;
- (2) CGC78761

- (3) CGC79110;
- (4) CGC86428
- (5) CGC130628;
- (6) CGC130360;
- (7) CGC155551; and
- (8) CGC155552.

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**CERTIFICATE OF SERVICE**

I, David E. Moore, hereby certify that on August 19, 2008, the attached document was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading.

I further certify that on August 19, 2008, the attached document was Electronically

Mailed to the following person(s):

Thomas L. Halkowski  
Fish & Richardson P.C.  
919 N. Market Street, Suite 1100  
P. O. Box 1114  
Wilmington, DE 19899-1114  
[halkowski@fr.com](mailto:halkowski@fr.com)

Frank E. Scherkenbach  
Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110-2804  
[scherkenbach@fr.com](mailto:scherkenbach@fr.com)

John E. Gartman  
Craig E. Countryman  
Jennifer K. Bush  
Nicholas V. Martini  
Fish & Richardson P.C.  
12290 El Camino Real  
San Diego, CA 92130  
[gartman@fr.com](mailto:gartman@fr.com)  
[countryman@fr.com](mailto:countryman@fr.com)  
[bush@fr.com](mailto:bush@fr.com)  
[martini@fr.com](mailto:martini@fr.com)

Michael J. Kane  
William R. Woodford  
Fish & Richardson P.C.  
3300 Dain Rauscher Plaza  
60 South Sixth Street  
Minneapolis, MN 55402  
[kane@fr.com](mailto:kane@fr.com)  
[woodford@fr.com](mailto:woodford@fr.com)

/s/ David E. Moore  
Richard L. Horwitz  
David E. Moore  
Potter Anderson & Corroon LLP  
Hercules Plaza – Sixth Floor  
1313 North Market Street  
Wilmington, DE 19899-0951  
(302) 984-6000  
[rhowitz@potteranderson.com](mailto:rhowitz@potteranderson.com)  
[dmoore@potteranderson.com](mailto:dmoore@potteranderson.com)